

Organic Law on the Election of Members of the House of Representatives and Senators, B.E. 2541(1998)

Translation

BHUMIBOL ADULYADEJ, REX

Given on the 6th Day of June B.E. 2541 (1998);

Being the 53rd Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have an organic law on the election of members of the House of Representatives and senators;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1

This organic law is called the "Organic Law on the Election of Members of the House of Representatives and Senators, B.E. 2541(1998)"

Section 2

This organic law shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

The following shall be repealed:

- (1) Election of Members of the House of Representatives Act, B.E. 2522 (1979);
- (2) Election of Members of the House of Representatives (No.2), B.E. 2522 (1979);
- (3) Emergency Decree Amending the Election of Members of the House of Representatives Act B.E. 2522 (1979), B.E. 2526 (1983);
- (4) Emergency Decree Amending the Election of Members of the House of Representatives B.E. 2522 (1979) (No. 2), B.E. 2529 (1986);
- (5) Election of Members of the House of Representatives Act (No.3), B.E. 2535 (1992);
- (6) Emergency Decree Amending the Election of Members of the House of Representatives B.E. 2522 (1979) (NO. 3), B.E. 2538 (1995).

Section 4

In this organic law:

"Elector" means a person having the right to vote;

"Candidate" means a candidate for the election of members of the House of Representatives or a candidate for the election of senators, as the case may be;

"Election day" means the day fixed for voting according to the Royal Decree on election of members of the House of Representatives or senators, as the case may be;

"Constituency" means a locality designated as a constituency on a constituency basis, a constituency on a party-list basis or a constituency for the election of senators, as the case may be;

"Polling station" means an area designated for voting purposes;

"Polling place" means a place designated for voting purposes and shall include a specified area surrounding the polling place;

"Changwat" (province) includes Bangkok Metropolitan Administration;

"Amphur" (district) includes Khet and Khing Amphur;

"Tambon" (commune) includes Khwaeng;

"Changwat Central Office" includes Office of Bangkok Metropolitan Administration;

"Amphur Office" includes Khet office and Khing Amphur Office;

"Municipality" (municipality) includes Pattaya City.

Section 5

The Chairman of the Election Commission shall have charge and control of the execution of this organic law.

CHAPTER I

Election of Members of the House of Representatives

Part 1

General Provisions

Section 6

In a general election of members of the House of Representatives, the Election Commission shall hold the following election:

- (1) An election of members of the House of Representatives on a constituency basis whereby the elector shall cast ballot according to constituency for one candidate in each constituency;
- (2) An election of members of the House of Representatives on a party-list basis whereby the voter shall cast ballot from the lists of candidates prepared by political parties provided that the party list of only one political party may be voted for and the territory of Thailand shall be regarded as the whole constituency.

Section 7

After the promulgation of the Royal Decree on a general election of members of the House of Representatives, the Election Commission shall publish in the Government Gazette the particulars relating to the election as follows:

- (1) The date of application for candidacy in an election on a constituency basis which shall commence not later than twenty days as from the date the Royal Decree coming into force and the period of application shall not be less than five days;
- (2) The date of submission of a party list in an election on a party-list basis which shall be the day before the date of an application for candidacy in the election on a constituency basis under (1);
- (3) The number of members of the House of Representatives of each Changwat in an election on a constituency basis;
- (4) The number of constituencies of each Changwat of which the details of Amphur or Tambon or an area within each constituency must be specified. In case where there is a promulgation of a Royal Decree on an election of members of the House of Representatives to fill the vacancy of members of the House of Representatives on a constituency basis, the Election Commission shall publish the date of an application for candidacy in such election in the Government Gazette.

Section 7/1

The Election Commission shall complete an election within thirty days of the polling day.

Section 7/2

In case where the Election Commission calls for a new election, the Election Commission shall issue an order to extend or shorten the timeframe or to withhold from enacting procedures prescribed in this organic law so that a new election shall be held forthwith in a lawful, honest and fair manner.

Part 2

Constituency, Polling Station and Polling Place

Section 8

Upon a general election of members of the House of Representatives, the Election Commission shall publish in the Government Gazette the determination of constituencies of the election on a constituency basis. In any Changwat where the number of members of the House of Representatives to be elected is one, the area of that Changwat shall be regarded as the constituency but in a Changwat where the numbers of members is more than one, the Election Commission shall divide such Changwat into constituencies in the number equal to such number of members to be elected therein according to the constituencies provided by the Election Commission under the organic law on the Election Commission.

Section 9

The election committee of a constituency appointed by the Election Commission under Section 12 shall designate a polling station in each constituency by taking into consideration the convenience of the voters according to the rules as follows:

- (1) The area of each Tambon shall be a polling station except in the area of a municipality, Bangkok Metropolitan Administration, sanitary board or in a densely populated area, it may determine the road, lane or soi as the boundary of a polling station;
- (2) A number of approximately eight hundred elector shall be used as a criteria to designate a polling station. If election Commission is of the opinion that it would be inconvenient or unsafe for electors to go to poll, it may disregard the number of electors and designate an additional polling station

A notification specifying polling stations shall be made not less than twenty days before the Election Day by posting such notification at Changwat Central Office, Amphur Office, Municipal Office, Tambon Administrative Organization Office, Phuyai-Ban Office, and in a densely populated area as it think fit and an outline map showing the boundary of polling station shall also be provided.

A change of boundary of a polling station may be made by giving notice of not less than ten days before the Election Day or may be lesser in case of emergency. In the latter case, the provisions of paragraph two shall apply *mutatis mutandis*.

Section 10

In designating a polling station under Section 9, the election committee of a constituency appointed by the Election Commission under Section 12 shall also designate the polling place of each polling station and the provisions of Section 9 paragraph two and paragraph three shall be applied *mutatis mutandis* to the notification specifying polling places and changing polling places.

The polling place under paragraph one is a place that must be easily accessible by the public for polling and must have signs posted along the perimeter in accordance with the geographical conditions of the locality.

In any locality, if it is for the convenience or safety of electors, a polling place outside the polling station may be provided but it must be located near the polling station.

Section 11

The election on a party-list basis shall be organized at the polling station and polling place designated for an election on a constituency basis.

Part 3 Election Officials

Section 12

In an election of members of the House of Representatives, the Election Commission shall have the power to appoint persons to be the following election officials:

- (1) The election director of a constituency having the duties relating to the application for candidacy of an election on a constituency basis and other necessary activities in compliance with this organic law;
- (2) Members of the election committee of a constituency consisting of not less than nine persons having the duties relating to the designating of polling stations, polling places and places for counting of votes in the constituency, the making of elector rolls, the addition and the deletion of names of electors in the constituency including the duties to supervise the polling, the counting of votes and the announcement of the result of vote-counting.

The selection and appointment of the election director of a constituency and the election committee of a constituency shall be in accordance with the rules and procedures prescribed by the Election Commission in the Government Gazette.

For the purpose of election proceeding, the Election Commission shall have the power to appoint or entrust the election director of a constituency or the election committee of a constituency to appoint a sub-committee or a group of persons or any person to assist in the election proceeding as may be appropriate.

Sections 13

An election committee of a constituency shall appoint persons to be the following election officials:

- (1) The committee of a polling station consisting of not less than seven members having the duties relating to the polling in each polling station;
- (2) The vote-counting committee consisting of members in a number as it deems appropriate has duties relating to the counting of votes in a place for counting of votes of each constituency. The election committee of a constituency shall appoint state officials to provide security to the committee of a polling station and the vote-counting committee in performing their duties.

Section 14

The committee of a polling station under Section 13 (1) shall consist of a Chairman and other two members appointed by the election committee of such constituency and a representative of a political party which nominates its members to stand for election in such constituency or submits a party list.

The political parties nominating its members to stand for election or submitting a party list shall submit the name of its representative, one person for each political party, to the election committee of a constituency not less than seven days before an election day for being appointed as member of the committee of a polling station.

In the case where the committee of a polling station under paragraph one consists of less than seven members, the election committee of a constituency shall appoint a candidate in such constituency to be an additional member to meet such number under Section 13 (1).

On Election Day, at the time when the polling starts, if less than seven member of the committee of a polling station come to perform their duties, the election committee of such polling station present shall appoint a candidate in such constituency to be an additional member to meet the number of seven members.

Section 15

The election committee of a constituency shall appoint members of the vote-counting committee under Section 13 (2) by selecting them from electors in such constituency and representatives of political parties whose members stand for an election or submitting party lists for an election shall also be members of the vote-counting committee in a number enough for such proceeding.

Rules and procedures for the selection of members of the vote-counting committee shall be prescribed by the Election Commission.

Section 16

Unless specifically provided under this organic law, the Election Commission shall have the power to prescribe the procedures on the performance of duties of the election director of a constituency, the election committee of a constituency, the committee of a polling station and the vote-counting committee.

Section 17

Members of the Election Commission, the election director of a constituency, the election committee of a constituency, the committee of a polling station, the vote-counting committee or any person appointed to assist in the election proceeding shall not willfully fail to perform or be dishonest to his or her duties or commit any act to obstruct the compliance with laws, notifications, rules or orders of the Election Commission or orders of the court relating to an election under this organic law.

In case where the person under paragraph one perform his or her duties in accordance with laws, notifications, rules or orders of the Election Commission or orders of the court relating to an election in good faith, he or she shall be protected and shall not be liable for any civil and criminal liabilities.

Section 18

In performing the duties in accordance with this organic law, the election director of a constituency, members of the election committee of a constituency, the committee of a polling station, the vote-counting committee and any person appointed to assist in the election proceeding shall be an official under the Penal Code as from the date of the appointment through the date of the termination of duties.

Section 19

The remuneration of the election director of a constituency, members of the election committee of a constituency, the committee of a polling station or the vote-counting committee and any person appointed to assist in the election proceeding shall be prescribed by the Election Commission.

The remuneration under paragraph one shall not be made to a member of the committee of a polling station who represents a political party.

Part 4

Electors and Electoral Rolls

1. Electors

Section 20

Electors shall have the qualifications and shall not be under the prohibitions under the Constitution and shall have the duty to vote at an election.

Section 21

In an election, any elector who fails to attend an election for the appropriate cause shall notify the person appointed by the Election Commission to each constituency of the cause of such failure not less than seven days before the election day. If the person appointed thereby considers that the notified cause is not reasonable, he or she shall notify the elector without delay by the period not less than three days before the Election Day.

The rule on consideration of the notification under paragraph one shall be prescribed by the Election Commission in the Government Gazette. In this regard, the Election Commission shall specify the details of cause of failure to attend an election of electors as guidelines for the consideration of the person appointed by the Election Commission.

In notifying the cause of failure to attend an election for voting under paragraph one, the elector may make it in writing and entrust a person to submit it to the Election Commission or send such notification by postal mail.

The Election Commission shall post up the list of persons submitting such notification, the place and method of notification at Changwat Office, Amphur Office, Municipal Office, Tambon Administration Organization Office, Phuyai Ban Office and an appropriate densely populated area.

Section 22

In case the time of thirty days after the election day is elapsed, the Election Commission shall notify the name of electors who fail to attend an election for voting and do not notify the cause of failure under Section 21 or notify it but such notification is not reasonable for the purpose that the elector shall notify the person appointed by the Election Commission the cause of such failure within sixty days as from the date of the notification. The person appointed by the Election Commission shall finish the consideration within ninety days as from the end of the period of notification of the cause and shall notify the elector of the result thereof without delay provided that the provisions of Section 21 paragraph two, paragraph three and paragraph four shall be applied *mutatis mutandis*.

Section 23

In case where the elector fails to attend an election for voting without notifying the appropriate cause of such failure under Section 21 or Section 22 or has notified the cause but it is not reasonable, such person shall be deemed to be a person fails to attend an election for voting who does not notify the appropriate cause of such failure under Section 68 paragraph two of the Constitution and shall lose the rights as follows:

- (1) The right to petition an election of members of the House of Representatives, senators, local administrators or members of the local assembly;
- (2) The right to petition an election of Khamnan or Phuyai Ban under the law on local administration;
- (3) The right to be a candidate in a election of members of the House of Representatives, senators, local administrators or members of the local assembly;
- (4) The right to be a candidate in an election of Khamnan or Phuyai Ban under the law on local administration;
- (5) The right to request the National Assembly for the consideration of law under the law on public request for the introduction of bills;
- (6) The right to request the local assembly for the issuance of local ordinances under the law on public request for the introduction of local ordinances;
- (7) The right to request the Senate for the resolution removing a person under the organic law on counter corruption;
- (8) The right to request for the removal from office of a member of the local assembly or a local administrator under the law on voting for the removal of a

member of the local assembly or a local administrator. The loss of rights under paragraph one shall be for a period as from the Election Day on which such elector fails to attend for voting to the Election Day on which such elector attends therefore.

2. Electoral Rolls

Section 24

After the promulgation of the Royal Decree on an election of members of the House of Representatives, the election committee of a constituency shall prepare elector rolls for each polling station and post it up at Changwat Office, Amphur Office, Municipal Office, Tambon Administrative Organization Office, Phuyai Ban Office, an appropriate densely populated area and a polling place or a nearby place not less than twenty days before the election day and shall also notify the name of electors in the house register to a head of household not less than fifteen days before the election day.

Section 25

Any elector or any head of household who finds that his or her name or the name of a person who has been listed in the house register has not been included in the roll of electors for the polling station in which he or she or that person is eligible to be an elector shall have the right to file an application to add the name in the roll with the election committee of a constituency not less than ten days before the election day.

After having received the application under paragraph one, the election committee of a constituency shall examine all evidences and, if it is of the opinion that the applicant or the person whose name appears in the house register is eligible, it shall order that the name of the applicant be forthwith added to the roll of electors. If the election committee deems that the applicant or the person whose name appears in the house register is ineligible, it shall dismiss the application and notify the applicant of the dismissal together with the reason therefore within three days from the date of receiving the application.

After having received the notice under paragraph two, the applicant shall have the right to file a motion, without any court fee, not less than five days before the election day with Changwat Court within whose jurisdiction he or she has domicile or with the Civil Court for the applicant who has domicile in Bangkok Metropolitan Administration for the court to decide whether the name is to be included in the roll of electors.

After having received the motion under paragraph three, the court shall forthwith proceed with the examination thereof. The order of the court shall be final and the court shall forthwith inform the election committee of a constituency of the order to ensure that it shall be executed accordingly. In case where the roll of electors has been posted up before the court order is received, the election committee shall make the amendment to every copy of the roll of electors accordingly.

Any act done in compliance with the previous order of the election committee prior to receiving the order of the court shall be valid under the law.

Section 26

Any elector who deems that the roll of electors under Section 24 contains the name of a disqualified person shall have the right to file an application with the election committee of a constituency not less than ten days before the Election Day for the deletion of the name of such person from the roll of electors.

In case the election committee of a constituency deems it expedient either to delete the name of such person or to dismiss the motion, it shall issue an order deleting the name or dismissing the application as the case may be. Such order shall be notified to such person and the head of household and the provisions of Section 25 paragraph three, paragraph four and paragraph five shall be applied *mutatis mutandis*.

If any head of household deems that the name of a person not being listed in his or her house register has appeared in the roll of electors and can prove that the name of such person is not listed in his or her house register, the election committee of a constituency or the committee of a polling station, as the case may be, shall issue an order deleting the name of such person from the roll of electors.

Section 27

In case where there is an action against any elector to be disfranchised and such elector has been disfranchised by the final judgment when the Election Commission is notified of such judgment, such disfranchisement shall be recorded in the house register and the election committee of a constituency shall forthwith post up the notice of disfranchisement by the order of the court at the Tesaban Office or Amphur Office.

In case where the roll of electors has already been posted up, the election committee of a constituency shall announce the deletion of the name of such person under paragraph one from every copy of the roll of electors, and the provisions of Section 25 paragraph five shall be applied *mutatis mutandis*.

Section 28

The head of household shall not make or shall not allow other persons to make an addition of the name of persons in his or her house register to corrupt an election if such person does not actually live in the house.

Part 5

Candidate and Candidacy

1. Candidate

Section 29

Any person having the right to be a candidate in an election of members of the House of Representatives on a constituency basis or having the right to be nominated on the party list of political party for an election of the House of Representatives on a party-list basis must have qualifications and must not be under the prohibitions for the candidate in an election of members of the House of Representatives in accordance with the provisions of the Constitution.

Section 30

Any person who wishes to stand for an election shall have the right to stand for only one political party and stand for only one of either an election on a constituency basis or a party-list basis.

2. Candidacy on a Constituency Basis

Section 31

In case of candidacy on a constituency basis, the candidate of each political party who has the right to stand for an election in any constituency shall submit an application to the election director of such constituency at the place provided by the election director of such constituency within the period of application.

In submitting the application under paragraph one, the candidate shall submit the certification of candidacy issued by the leader of his or her political party, pay the fee of ten thousand Baht each and file all evidences of candidacy as prescribed by the Election Commission.

In case where the candidate has never been a member of the House of Representatives or a senator he or she shall have evidences of having graduated not lower than bachelor degree or equivalent as prescribed by law or certified by the Ministry of University Affairs or the competent state agency.

The Election Commission shall publish in Government Gazette the details relating to evidence of candidacy and procedures of application.

Section 32

After the election director of a constituency has received the application, he or she shall record the acceptance thereof as evidence and issue a receipt to the applicant on the same day. The election director shall examine the evidence of qualifications and make inquiry as to the eligibility of the candidate which shall be completed within seven days from the closing date for application. If the applicant is eligible, the notice of acceptance of his or her candidacy shall be posted up at Changwat Office, Amphur Office, Tesaban Office, Tambon Administrative Organization Office, Phuyai-Ban Office, polling place or nearby place for which the candidate stand.

The notice under paragraph one shall contain the name of the candidate, photograph, his or her political party and the candidate's allocated number to be used at the polls in the form as prescribed by the Election Commission.

Section 33

After the election director of a constituency has issued a receipt to the candidate under Section 32, the candidate is not permitted to withdraw his or her candidacy and the fee is vested to a fund for development of political parties in accordance with the organic law on political party.

Section 34

Any applicant whose name does not appear as a candidate in the notice of the election director of a constituency under Section 32 shall have the right to file a motion with the Supreme Court within seven days from the date of the notice of list of the applicant eligible without any court fee for the proceeding. The Supreme Court shall decide whether the applicant is to be accepted as a candidate without delay. The Supreme Court shall promptly inform the election director of a constituency and the election director of a constituency shall forthwith comply with the order of the Supreme Court. If the court orders the acceptance of the candidate, the name of that person shall be notified under Section 32, but it shall not affect any act done prior to the receiving of the court order.

To ensure fairness in undertaking the proceedings under paragraph one without delay, the president of the Supreme Court with an approval from the Board of Supreme Judges shall prescribe the details relating to such matters in the Government Gazette. Such proceedings of the Supreme Court shall be completed by the day before the Election Day. The Supreme Court may assign the court of first evidence in a constituency to receive a motion, review evidences or enact other related proceeding as deemed necessary.

Section 34/1

In case where the candidate is found disqualified to compete in an election, the election director of a constituency shall examine the evidence of qualifications of such candidate without delay before submitting a motion to the Supreme Court to dismiss the application of such candidate.

To ensure fairness in undertaking the proceedings under paragraph one without delay, the president of the Supreme Court with an approval from the Board of Supreme Judges shall prescribe the details relating to such matters in the Government Gazette. Such proceedings of the Supreme Court shall be completed by the day before the Election Day. The Supreme Court may assign the court of first evidence in a constituency to receive a motion, review evidences or enact other related proceedings as deemed necessary.

In case where no motion under paragraph under is submitted to the Supreme Court or the Supreme Court does not hand a ruling on a motion to examine the evidence of qualifications of a candidate by the election day, the election proceedings shall be convened based on the existing application for candidacy and the proceedings of the Supreme Court shall be terminated.

3. Candidacy on a Party List Basis

Section 35

In case where any political party wishes to submit a party list for candidacy on a party-list basis, that political party shall prepare a party list in accordance with the following rules:

- (1) The party list shall consist of the name of candidates equally from various regions;
- (2) The political party which nominates any person shall receive evidence of consent from that person who shall be the member of that political party only;
- (3) The party list shall be prepared in the form as prescribed by the Election Commission by numerical order which shall not exceed one hundred persons.

Section 36

In case of the candidacy on a party-list basis, the leader of the political party or any person who is entrusted by him or her shall submit the party list prepared by the political party under Section 35 to the Election Commission on the determined date and time together with the consent of the candidates pay the fee of ten thousand Baht each candidate and file all evidences of candidacy according to those prescribed by the Election Commission provided that the provisions of Section 31 paragraph three shall be applied *mutatis mutandis*.

The Election Commission shall publish in the Government Gazette the details of evidence of candidacy and method of submitting the party list.

Section 37

When the Election Commission has received the party list under Section 36, the Election Commission shall examine evidences of candidacy, qualifications and the prohibitions of the candidate. In case the Election Commission deems that they are correct, the list of political parties and the party list shall be posed up disclose at the place under Section 32 and the provisions of Section 33 shall be applied *mutatis mutandis*.

4. The Candidates' Allocated Numbers to Poll at an Election On a Party List Basis and a Constituency Basis

Section 38

In a general election, the political party submitting a party list shall be allocated the candidate identity number to poll at an election by respective order of submitting the party list. In case where the political party submits the party list at the same time and they are disagreeable, the drawing of lots shall be made between such political parties. In this regard, one political party shall receive one allocated number. If any political party also nominates its candidates in an election on a constituency basis, the same candidate's allocated number for the election on a party list basis of such political party shall be used as the candidate's allocated number for the election on a constituency basis of that political party in every constituency.

In case where any political party does not submit the party list but nominates candidates on a constituency basis, after submitting an application in any constituency, a candidate of such political party shall be given the candidate identity number next to the last number of the candidate's allocated number on a party list under paragraph one. If the candidate of other political parties which nominates candidates only on a constituency basis also submits an application, such candidate shall be given the candidate identity number in respective order of the applications. If several candidates submit the applications at the same time and the candidate identity numbers can not be agreed, the candidate identity numbers of such candidates shall be cast by drawing lots.

Section 39

In case of an election to fill the vacancy of members of the House of Representatives elected from an election on a constituency basis, candidates shall be given the candidate identity numbers in respective order of the applications. If the candidates submit the applications at the same time and the candidate identity numbers can not be agreed, the candidate identity numbers of such candidates shall be cast by drawing lots.

Part 6

Electoral Expenditure and Means of Election Campaigns

Section 40

From the date of the promulgation of the Royal Decree on an election of members of the House of Representatives in any constituency to the date of election, the electoral expenditure and means of election campaigns shall be in accordance with the following provisions.

Section 41

In each election of members of the House of Representatives, the Election Commission shall issue the notification determining the electoral expenditure as follows:

- (1) The amount of the expenditure of each candidate in an election on a constituency basis;
- (2) The amount of the expenditure of a political party in an election on a party-list basis. In case where a candidate on a party list of any political party has paid in the election for any amount of expenses, such amount shall be included in the expenditure of the political party.

In determining the amount of expenditure in an election under paragraph one, the Election Commission shall consult the leader of every political party nominating the candidates for an election.

A candidate or a political party shall not pay in an election exceeding the amount of expenditure determined under paragraph one; provided that, such expenditure shall include all money or any other property paid or promised to pay by any person on behalf of the candidate or the political party or offered to be used for the purpose of the election campaigns without remuneration with the consent of such candidate or political party. In the case of offering property, its price shall be calculated in accordance with the rate of normal rent or remuneration in such locality.

Section 42

The candidate or the political party, as the case may be, shall appoint any person as appropriate to be a treasurer having responsibility for preparing and certifying income and expenditure accounts of the candidate or the political party in such election.

The preparation of income and expenditure accounts of the treasurer shall be in accordance with the rules and procedure prescribed by the Election Commission by publishing in the Government Gazette.

Section 43

Within ninety days as from the date of the announcement of the result of an election, each candidate or the political party nominating candidates on a party-list basis shall submit income and expenditure accounts prepared by the treasurer and certified by the candidate or the leader of the political party, as the case may be, to the Election Commission. The income and expenditure accounts shall at least contain all the paid expenses and the accrued payment including the relevant accurate and complete evidence.

After examining the particulars of expenses under paragraph one, the Election Commission shall announce the result of the examination of such expenses in accordance with the rules and procedures prescribed by the Election Commission.

In case where there is the election objection that any candidate or any political party has paid in an election exceeding the amount of expenditure prescribed by the Election Commission, such particulars of expenses and the relevant evidence shall be kept until the Election Commission has completed the procedure.

Section 44

Neither candidate nor any person shall commit any act to induce electors to cast a ballot for him or her or other candidate or any political party or to abstain from voting for any candidate or political party by the following means:

- (1) Providing, giving, offering, promising to give or preparing to give properties or any other benefits which can be calculated in money value to any person;
- (2) Giving, offering or promising to give money, properties or any other benefits whether directly or indirectly to the community, association, foundation, temple, education institution, asylum or any other institution;
- (3) Advertising for an election by organizing an entertainment;
- (4) Treating or promising to treat any person with meals;
- (5) Deceiving, forcing, threatening, intimidating, slandering or inducing the misunderstanding in the popularity of any candidate or political party.

Section 45

No person shall provide the vehicle to bring an elector to a polling place for an election or to take the elector back from a polling place or to arrange for taking an elector to or taking back from a polling place without paying normal fees or wages as a measure to induce or control the elector to vote for any candidate or political party.

The provisions in paragraph one shall not be applied to the case where the vehicle is provided by a state agency to facilitate an elector.

Section 46

No person not being of Thai nationality shall support an election campaign or commit any act for the benefit of an election in such a manner of being favorable or unfavorable to any candidate or political party except such act is committed to assist the government or committed in good faith in an ordinary course of business of such person.

Section 47

No state official shall exercise duties to be favorable or unfavorable to a candidate or a political party.

The provisions in paragraph one shall not include the performance of duty in an ordinary course of position of such state official for the advice of or the assistance in an election of a candidate or a political party which is not relevant to the performance of regular duties, regardless of whether such act may be favorable or unfavorable to any candidate or political party.

In the case where there appears the convincing evidence of any violation of the provisions of paragraph one, the Election Commission shall, if deems that any act may be favorable or unfavorable to any candidate or political party, have the power to order such state official to cease or suspend the act thereof. For this purpose, the Election Commission shall notify the superior of such official to order that such official shall vacate the office temporarily or shall attach to any ministry, sub-ministry, department, Changwat office or Amphur office inside or outside the constituency or to prohibit such person to enter into a constituency.

Section 48

No person shall make an election campaign by any means, whether it may be favorable or unfavorable to any candidate or political party, from 6:00 pm of the day before the Election Day to the end of the Election Day.

Section 49

The Election Commission shall convene a meeting among the leaders of political parties nominating the candidates to stand for an election to consider and provide procedures for the state to support an election in the following matters:

- (1) Preparing a place for posting up a notice and a poster relating to an election in the area of a public place owned by the state sufficiently and equally to make an election campaign to every candidate and political party;
- (2) Publishing and circulating documents relating to an election to electors;
- (3) Providing a place for candidates and political parties to run an election campaign equally. In this connection, the state may provide any entertainment or other activities to persuade an elector to attend such election campaign but such action shall not be engaged in supporting a particular candidate or political party;
- (4) Prescribing rules and timeframe for political parties to run an election campaign through the radio and television broadcasting or to be on air through the radio and television broadcasting which shall afford equal opportunities to every political party;
- (5) Other activities as prescribed by the Election Commission.

Section 50

Any candidate, political party or person other than the state shall be prohibited to prepare a place for posting up any notice and poster relating to an election at a public place owned by the state, to allocate radio and television broadcasting time to any political party or to perform other activities which the Election Commission prescribes that it shall be supported by the state.

Part 7

Polling

Section 51

The ballot box shall be perceptibly seen its inside and shall be sealed to prevent any unlawful opening of the ballot box or insertion of ballot papers in the ballot box after the polling is completed and shall be of specific description to prevent any changing of the ballot box.

The ballot paper for casting a vote for a member of the House of Representatives on a constituency basis shall specify all candidate identity numbers of all candidates in such constituency and shall have a space for an entry of a mark indicating the intention to cast a ballot for no candidate.

The ballot paper for casting a vote for a member of the House of Representatives on a party-list basis shall specify the allocated number and the name of every political party submitting a party list and shall have a space for an entry of a mark indicating the intention to cast a ballot for no candidate.

The ballot paper for casting a vote for a member of the House of Representatives on a constituency basis and a part-list basis shall be of distinctively difference.

The ballot box and the ballot paper shall be of description and size as prescribed by the Election Commission.

Section 52

On the Election Day, the polling shall commence from 8:00 am to 3:00 pm.

Section 53

Before the casting of ballot is commenced, the committee of a polling station shall count the total number of ballot paper of such polling station and shall post up a notice of the total number of ballot papers at the conspicuous place. When the polling is commenced, the committee of a polling station shall publicly open the ballot box for electors present at the polling place to see that the ballot box is empty and shall then close the ballot box in accordance with the procedures prescribed by the Election Commission and shall record such proceeding by having not less than two electors present at the polling place at that time to affix their signatures thereto except no elector present at that time.

Section 54

During polling hours, an elector who intends to poll shall identify himself or herself to the committee of a polling station by producing the identity card, the expired identity card or any other official card or evidence having a photograph which can identify himself or herself in accordance with the procedures prescribed by the Election Commission in the Government Gazette.

When the committee of a polling station has examined the name in elector rolls, the committee shall read the name and address of such person loudly. If no elector, candidate or person raises an objection, the committee shall remark it in the elector roll by noting the card number and the issuing place thereof and shall order the elector to sign or take fingerprint in the elector roll as evidence in accordance with the procedure prescribed by the Election Commission. Then the committee of a polling station shall give the ballot paper to such person for voting.

In the case where there is an objector or the committee of a polling station suspects that the elector present is not a person named in the elector roll, the committee shall have the power to investigate and make a decision whether the person being objected or suspected is a person named in the elector roll. In case where the committee of a polling station passes a decision that the person being objected or suspected is not a person named in the elector roll, the committee shall record such decision and sign their names therewith.

Section 55

The casting of ballot shall be made by marking a cross on the ballot paper. And for facilitating the disabled in casting ballot, the Election Commission shall provide facilitation for casting ballot of the disabled specifically or provide assistance in casting ballot under the supervision of the committee of a polling station.

Section 56

In the case where an elector intends to cast a ballot for no candidate nor party list of any political party, the elector shall mark a cross in the space for indicating the intention to cast a ballot for no candidate.

Section 57

The insertion of ballots in the ballot box shall be in accordance with the rules and procedures prescribed by the Election Commission.

Section 58

Any person who knows that he or she has no right to vote or to cast a ballot in such constituency shall not try to cast a vote or cast a vote by producing the identity card or other evidences not issued for him or her or which is counterfeited to the committee of a polling station.

Section 59

No elector shall use other papers which is not the valid ballot paper in accordance with Section 51 to cast a vote. No elector shall take a ballot paper out of the polling place.

Section 60

No person shall mark a sign as a remark by any means on the ballot paper.

Section 61

No person shall insert a ballot paper into the ballot box without an authorization or do any thing in the elector roll to deviate the number of persons present to cast ballots from the actual or commit any act to increase the number of ballot papers from the actual number.

Section 62

No person shall commit any act without an authorization to prevent an elector to cast a ballot or obstruct or to delay an elector to go to the polling place, to enter into the place for casing a ballot or to reach such place within the polling time.

Section 63

No elector shall require any property or other benefit for his or her own or for other persons to vote or to abstain from voting for any candidate or political party.

Section 64

In case where the polling in any polling station could not be made because of the riot, flood, fire or other force majeure, if such cause is occurred prior to the election day, the committee of a polling station shall fix a new polling place where electors shall be able to cast a ballot conveniently. If the new polling place can not be fixed, the committee of a polling station shall announce the cancellation of polling in such station and shall report to the Election Commission urgently.

In case where the force majeure in accordance with paragraph one is occurred on the Election Day, the committee of a polling station shall announce the cancellation of the polling in such station and report to the Election Commission urgently.

The Election Commission shall fix a new polling day of such polling station within thirty days as from the date the ceasing of the ground is known and shall announce such performance at least seven days prior to the polling day.

Section 65

When the closing time of the polling is reached, the committee of a polling station shall announce the closing of the polling and stop to distribute ballot papers and shall mark the remaining ballot papers to be the ballots which are not used in accordance with the procedures prescribed by the Election Commission. When the person present and received the ballot paper within the remaining time of polling in the polling station has already casted a ballot, the committee of a polling station shall close the space to insert a ballot paper of the ballot box.

The committee of a polling station shall prepare a statement concerning the total number of ballot papers, the number of persons present and receiving ballot papers and the number of the remaining ballot papers and signed by every member of the committee performs the duty at that time and then announce it to the elector present at such place.

Section 66

As from the time the ballot box is opened and closed or after the space to insert ballot papers of the ballot box is closed, any person without an authorization shall not open to destroy, damage, transform or nullify or take the ballot box, the ballot papers or the relevant documents and evidence which is delivered to the place for counting of votes by the committee of a polling station.

Section 67

The committee of a polling station of not less than five members shall forthwith take the ballot box and the relevant documents and evidence to the place for counting of votes of such constituency. In the case where any member of the committee of a polling station is

unable to participate in the proceeding, the reason therefore shall be recorded in the delivery report of the ballot box of the committee.

The ballot box which is delivered from the polling station shall be marked a sign to prevent the opening or the changing of the ballot box by affixing signatures of every member of the committee of a polling station thereto in such a manner which is perceptible in case of change or destroy; provided that, in accordance with the procedures prescribed by the Election Commission.

Part 8

The Counting of Votes and the Announcement of the Result of an Election

Section 68

The counting of votes for an election in any constituency shall commence when all ballot boxes from all polling stations in such constituency arrive at the designated place of the counting of votes.

In case of geographical necessity in any constituency, the Election Commission shall provide an additional place of the counting of votes to finish the counting of votes without delay.

In case where ballot boxes from any constituency arrive at the designated place of the counting of votes later than twelve hours after the closing time of the polling without good reason or in case there is any convincing evidence that the conduct of an election in any polling station is not implemented fairly and lawfully, the Election Commission shall stop the counting or forbid the opening of ballot boxes from such station and order a new election for such station.

Section 69

For the purpose that the counting of votes shall be carried out openly and fairly in accordance with the provisions of the Constitution, the Election Commission shall prescribe in the Government Gazette the vote-counting procedures which must contain the following details:

- (1) Procedures with respect to the receipt, the examination and the opening of ballot boxes and the examination of documents and evidences relating to an election for the accuracy of the number of ballot papers as receiving the ballot box which shall be corresponding to the number of ballot papers delivered to each polling station prior to the casting of vote and rules of consideration to have a new vote-counting or a new polling in such station in the case where the numbers of ballot paper is inconsistent;
- (2) Procedures to keep ballot boxes or ballot papers for the counting of votes;
- (3) Procedures of the vote-counting committee to gather all ballot papers and count them altogether at the designated place of the counting of votes which shall provide measures to make unknown from which polling station ballot papers are at the time of vote-counting and that the counting of votes shall be done continuously without postponing or impeding the counting of votes;
- (4) Procedures to provide the designated place of the counting of votes and to read the casting of ballot in ballot papers which must be done publicly so as to facilitate the person presenting in the place of the counting of votes to see the proceeding;
- (5) Procedures to examine the casting of ballot in any polling station when there is an objection that such casting of ballots is befallen unlawfully;
- (6) Procedures on vote-counting and delivering the result of the vote-counting for an election on a party-list basis which shall provide the vote-counting in the designated place of the counting of votes in each constituency and shall notify the result of the vote-counting which is gathered from each constituency to the Election Commission to calculate the total result thereof throughout the country.

Section 70

The ballot paper on which an elector marks a cross indicating the intention to cast for no candidate shall be counted and the number of persons intending to cast a ballot for no candidate shall be announced.

In case an invalid ballot paper occurs in the counting of votes, such invalid ballot paper shall be separated and in any case it shall not be counted as a vote.

The following ballot papers shall be deemed as the invalid ballots:

- (1) The counterfeit ballot;
- (2) The ballot which has no mark indicating the intention;
- (3) The ballot which is unable to be identified the voting to any candidate or political party;
- (4) The ballot which has the description as prescribed by the Election Commission.

The election committee of a constituency shall mark the ballot paper under this Sections as "invalid" and specify the ground of the invalidation whether the ballot paper is invalid in accordance with any sub-Section above, and shall affix not less than three signatures thereto.

The provision in paragraph four shall not be applied to an invalid ballot specified under Section 84, Section 85 paragraph two and Section 85/8 paragraph one.

Section 71

Any member of the vote-counting committee shall not cheat the counting of ballot papers or votes for an election, to sum up the votes incorrectly, to commit an act in any manner whatsoever without an authorization to dilapidate or damage the ballot paper or to make the ballot paper to be invalid, to commit any act in any manner whatsoever to an invalid ballot paper to be valid, to read the ballot paper incorrectly or to make the election report different from actual result.

Section 72

When the counting of votes is completed, the election committee of a constituency shall announce the result of the vote-counting in such constituency, the total number of the ballot papers, the number of the used ballot papers and the number of the remaining ballot papers from the cast and shall make a report of the counting of votes to the Election Commission forthwith.

The report of the result of vote-counting, the record of the number of electors which appear in elector rolls, the number of the electors presenting to accept the ballot papers to cast, the number of electors casting ballot, the number of electors indicating the intention to cast ballot for no candidate, the number of invalid ballots and the number of votes which each candidate receives shall be written in figures and words.

The announcement of the result of vote-counting, the report of the result of vote-counting and the method to keep ballot papers, documents and evidences shall be in accordance with the rules prescribed by the Election Commission.

Section 73

In case where the result of vote-counting is inconsistent with the report on the exercise of right to vote of the committee of a polling station, the election committee of a constituency shall prepare the re-counting of votes. If such re-counting is still inconsistent, it shall be reported to the Election Commission for a new election except if such inconsistency has no effect to the result of an election in such constituency or the counting of votes on the party-list basis, the Election Commission shall not hold a new election.

Section 74

In any constituency, if on the Election Day, there is one candidate standing for an election on a constituency basis and such candidate receives votes at least twenty percent of the

total number of electors in that constituency, the Election Commission shall announce such candidate to be the person elected.

In the case where one remaining candidate, standing for an election under paragraph one, receives votes of less than twenty percent of the total number of electors in that constituency, the Election Commission shall hold a new election in such constituency.

Section 75

In an election of members of the House of Representatives on a constituency basis, the candidate receiving the highest votes in that constituency shall be the person elected. In the case where there are persons receiving equal highest votes, it shall cast by drawing lots which shall be made before the election committee of such constituency in accordance with the procedures prescribed by the Election Commission.

Section 76

The calculation of persons elected in case of an election of members of the House of Representatives on a party-list basis shall be made by the proportion of candidates to be elected of each political party as follows:

- (1) Gathering altogether the result of vote-counting received from the party list of such political party;
- (2) Deducting votes from the party list of the political party of which receiving less than five percent of the total number of votes in accordance with (1) from the calculated number of votes for the proportion of candidates;
- (3) Dividing the total votes remaining after the deduction under (2) by one hundred and the result shall be deemed as the number of the average votes per one member of the House of Representatives;
- (4) Calculating the number of members of the House of Representatives of each political party, dividing the total votes from the party list of each political party receiving more than five percent, by the average number under (3) and then the result in round number shall be deemed as the number of elected members of such party which consists of the person in respective order of names in the list;
- (5) In case where the total number of elected members of all political parties is less than one hundred, adding one more member to the political party receiving the highest number under (4) and to the next party receiving lower number respectively until the total number is one hundred.

The number of elected members of each political party calculated by the procedures under paragraph one shall not be more than the number of persons on the party list prepared by such political party.

Section 77

After receiving the result of the counting of votes in an election on a constituency basis under Section 72 and the result of the calculation of the number of elected members of the House of Representatives on a party-list basis of each political party under Section 76, the Election Commission shall announce the result of an election on a constituency basis and on a party-list basis.

Section 78.

When the Election Commission has announced the result of an election, it shall notify the result of an election to the National Assembly for acknowledgement and publish it in the Government Gazette. The Election Commission shall also submit the party list of every political party to the President of the House of Representatives.

Part 9

Polling of an Elector having a Residence outside the constituency

Section 79

An election by an elector having a residence outside the constituency other than that specifically provided in this part shall be in accordance with this organic law.

Section 80

A person having his or her name appears on the house register in the constituency for less than ninety days up to the election day shall have the right to vote in the election on the constituency basis and on a party-list basis in the constituency in which his or her name finally appears on the house register for not less than ninety days.

The Election Commission shall have the power to prescribe rules, procedures and conditions to facilitate and ensure the exercising of the right to vote of an elector having a residence outside the constituency of which his or her name appears on the elector roll or having his or her name appears on the house register in the constituency for less than ninety days up to the election day.

Section 81

In case an elector has received the official order to perform duties outside the constituency where he or she has a right to vote or has a plan to travel outside of the constituency where he or she have to exercise the right to vote, the intent to exercise the right to vote before the election day shall be notified to the election committee of a constituency where he or she has the right to vote.

After having examined the right to vote of the person notifying his or her intent under paragraph one and deems that he or she is eligible, the election committee of a constituency shall designate a central polling place where such person can exercise the right to vote and notify a committee of a polling station the name of such person appears on the elector roll and not on the document concerned the place for exercising his or her right to vote.

Rules and procedures for notifying of intent to vote outside the constituency, central polling place and the number thereof and the date fixed for voting shall be prescribed by the Election Commission.

The Election Commission shall have the power to appoint a committee of the central polling place as well as to determine the preparation of the elector roll and the description of the central polling place, ballot boxes or any substitute, ballot papers, method of polling, custody of the ballot boxes and other activities necessary for voting as appropriate.

Ballot boxes of the central polling place may be attributed in the different form of that under Section 51 or it may use other methods instead of using a ballot box to fit the characteristic of the vote.

Section 81/1

In an election of members of the House of Representatives which is not a by-election, an elector living outside the constituency where his or her name appears in the house register or where he or she is entitled to cast a vote under the provision in Section 80 shall register for an advance voting at the central polling place in accordance with procedures prescribed by the Election Commission.

Twenty days after an elector under paragraph one has submitted the application for advance election; he or she shall have the right to vote in advance outside his or her constituency.

An elector shall cast his or her vote in Changwat where the application for advance voting is submitted and his or her right to vote in the original constituency shall be terminated unless there is a registration for a change of the polling place. The Election Commission shall record the application for advance voting in elector rolls and specify the designated polling place for advance election in elector rolls. An elector under paragraph one may apply for a change of Changwat where he or she wishes to cast a vote in advance. Twenty days after such request has been submitted, such elector shall be allowed to cast a vote in a new Changwat and the provision in paragraph two shall be applied *mutatis mutandis*.

An elector under paragraph one shall cast a vote to elect a candidate representing a constituency where his or her name appears in the house register for ninety days up to the Election Day as stipulated in Section 80.

With the registration for an advance voting under paragraph one, an elector shall not be subject to the lose of rights under Section 23 in case he or she fails to cast a vote for an election of members of the House of Representatives, a re-election or an election to fill the vacancy of members of the House of Representatives.

Section 81/2

In the proceeding under Section 81/1, the Election Commission shall provide at least one central polling station in each Changwat. The proceedings regarding to balloting, vote-counting and other necessary procedures shall be herself in accordance with rules prescribed by the Election Commission.

Section 82

In case where an elector is a member of the armed forces or is an active military service, police, member of the territorial army or government official and have received the official order to perform duties in connection with the maintaining of public order or security and safety of the country outside the normal place of domicile, if the superior official of such person who is of the rank of colonel or the rank equivalent thereto deems that such person is unable to vote at the polling station where he or she has the right to vote, request for exercising of the right to vote before the election day shall be made to the Election Commission and the provision of Section 81 shall be applied *mutatis mutandis*.

Section 83

An elector whose name appears on the elector roll of any constituency but whose residence is outside Thailand shall have the right to vote in the country where he or she resides.

After the notification of his or her wish to vote in a residing country under the provisions in paragraph one, such elector shall have the right to vote as prescribed in Section 84.

Rules and procedures for notifying intent to exercise the right to vote outside Thailand shall be prescribed by the Election Commission.

With the registration for a voting under paragraph one, an elector shall not be subject to the lose of rights under Section 23 in case he or she fails to cast a vote for an election of members of the House of Representatives, a by-election or an election to fill the vacancy of members of the House of Representatives.

Section 84

In any country where more than five hundred electors have registered for a voting and have geographical location convenient for the proceedings of an election, the Election Commission shall provide a polling station in such country. However in case the number of registered electors is fewer than five hundred or due to other necessities, the Election Commission may conduct postal voting or other balloting procedures as deemed appropriate. Rules and procedures for the proceeding of an election outside Thailand shall be prescribed by the Election Commission.

Section 85

In case of voting under part 9, the Election Commission shall proceed in advance to bring ballot papers for counting altogether on the election day except for the necessity in particular locality, the Election Commission shall provide otherwise.

In case where ballot papers arrive at the designated counting place after the counting has preceded, such ballot papers shall be deem void.

In case where ballot papers from any constituency are missing or there is any convincing evidence of election fraud, the Election Commission shall forbid the counting of such ballot papers declare such papers as void.

Part 10
Election Fraud

Section 85/1

In case the Election Commission has investigated prior to the announcement of the result of an election and found any convincing evidence that any candidate has violated this organic law or has facilitated other persons to commit such violations or has not stopped such violations and such violations have caused the conduct of an election to be unlawful and unfair, the Election Commission shall have the power to revoke the election right of such candidate for one year taking effect from the date of the notification of the Election Commission.

In case any candidate fails to stop or correct such violations under paragraph one without good reason, the Election Commission shall presume that such candidate has assisted the violations this organic law.

The ruling of the Election Commission to revoke the election right of the candidate shall be based on a consensus basis. After the Election Commission has revoked the election right of any candidate, such candidate shall also be subject to prosecution under the criminal procedure code.

In case an order to revoke the election right of the candidate is issued after the announcement of election results and such candidate receives the most number of votes on a constituency basis, the Election Commission shall order a new election in such constituency.

Section 85/2

To ensure that an investigation shall be conducted fairly without delay, the Election Commission shall appoint public prosecutors, other state officials, former public prosecutors, former judges or former state officials to form a committee and assist in the proceedings of an investigation.

Such public prosecutors and other state officials shall assist the Election Commission in accordance to the appointment order without prior approval from their respective organizations.

Rules and procedures for such proceedings shall be prescribed by the Election Commission.

The appointment of public prosecutors or other state officials in the first paragraph shall be in effect from the promulgation of the Royal Decree on election of members of the House of Representatives and the completion of the announcement of election results from all constituencies except the respective organizations of such prosecutors or state officials deem otherwise.

The remuneration of public prosecutors or other state officials in the first paragraph shall be prescribed by the Election Commission.

Section 85/3

A special panel comprising of chairpersons of all law drafting committees of the Council of the State who are not state officials with regular salary or members of a political party shall examine and issue a ruling on the validity of an order of the Election Commission to revoke the election right of a candidate. In case a chairperson of a law drafting committee of the Council of the State is unable to perform such duty, members of his or her law drafting committee shall select a fellow member of such law drafting committee to serve in a special panel. In case the replacement of such vacancy is not possible, a special panel shall comprise of the existing members.

In case a special panel issues a ruling contradicted to the order of the Election Commission to revoke the election right of the candidate, the Election Commission may maintain the original order and publish decision altogether with a ruling of a special panel in the Government Gazette.

A meeting and a ruling of a special panel requires at least a two-third of members and a ruling shall be made within five days after the receiving of a case from the Election Commission. In case a special panel has not made a ruling within such period, the Election Commission shall proceed with an order to revoke the election right of the candidate.

The remuneration of members of a special panel shall be prescribed by the Election Commission.

Section 85/4

In case the Election Commission has any convincing evidence that any person has acted in favor of a candidate or a political party in a manner that shall undermine the integrity of an election, the Election Commission shall order such person to stop or correct his or her actions within the designated timeframe.

In case such act in paragraph one is reported to the police or found such act under paragraph one violates this organic law, the police shall arrest a person who has committed such violation and proceed with relevant laws without delay. Such incident shall be reported to the election committee of Changwat which shall further report to the Election Commission.

Section 85/5

In case there is any convincing evidence of violations of Section 40, the Election Commission shall have the power to seize cash and property of a person who has committed such violations.

Within three days of the seizure, the Election Commission shall seek a ruling by a provincial court or the Civic Court. On a unilateral hearing basis, a provincial court or the Civic Court shall proceed and hand a ruling within five days from the receiving of the case. In case a court ruling is in favor of the Election Commission, cash or property belongs to a person who has committed violations of this organic law shall be seized until after the announcement of election results.

Section 85/6

In case there is any convincing evidence that any election official has caused the conduct of an election to be unlawful and unfair before the polling day, the Election Commission shall cancel the balloting in such constituency or such polling station and order a new polling day.

Section 85/7

After the vote-counting has completed, in case there is any convincing evidence of election fraud in an election on a constituency basis, the Election Commission shall have the power to cancel the announcement of election results and order a new election for such constituency.

Section 85/8

Prior to the announcement of election results, in case there is any convincing evidence that any political party or members of any political party have violated this organic law or have involved in such violations for the benefit of the political party thereof, the Election Commission shall have the power to forbid the vote-counting in an election on a party-list basis for such constituency and declare the ballot papers in an election on a party-list basis from such constituency as void.

Affected area in paragraph one shall be based on a polling station or a constituency where the conduct of an election is tampered.

The provision in Section 85/3 shall be applied with the proceeding in paragraph one *mutatis mutandis*.

Section 85/9

In case there is any convincing evidence that any elected member of the House of Representatives has involved in an election fraud and has violated this organic law prior to the announcement of election results, the Election Commission shall have the power to revoke

to the election right of such person for one year. The proceeding of the Election Commission in this case shall be made within one year from the announcement of election results and the Election Commission shall report to the President of the House of Representative and the Prime Minister.

The provision in Sections 85/3 shall be applied with the proceeding in paragraph one *mutatis mutandis*.

Section 85/10

In proceeding an investigation on election fraud and in preventing election fraud, the Election Commission or an appointed commissioner shall have the following power:

- (1) Entering, searching and seizing documents, assets or evidences in houses, premises or vehicles without a court warrant when there is any convincing evidence of violations of this organic law provided that a detailed record on such proceeding is made. The power under paragraph one shall be in effect from the promulgation of the Royal Decree on election of members of the House of Representatives to the announcement of election results and the Election Commission may appoint other state officials to assist such proceedings as deemed necessary. In case the Election Commission entrusts members of the election committee or other state officials to enact the power under paragraph one, such proceedings shall be enacted with a court warrant;
- (2) Requesting the Anti-Money Laundering Commission to provide a financial transaction report of a person which has involved in the conduct of an election. Such proceedings shall also be applied to the Bank of Thailand, registered commercial banks or other financial institutes.

CHAPTER II Election of Senators

Section 86

After the promulgation of the Royal Decree on election of senators, the Election Commission shall notify prescribe in the Government Gazette the date of application which shall not exceed five days as from the date the Royal Decree on the election of senators coming into force and the period of the application shall not less than five days.

Section 87

A person qualified to be a candidate for senator shall have the qualification and shall not be under the prohibition to be a candidate of senators under the provisions of the Constitution.

Section 88

In an election of senators, the area of Changwat shall be regarded as a constituency. After the promulgation of the Royal Decree on election of senators, the Election Commission shall notify in the Government Gazette the number of senators in each Changwat by applying rules on calculation in accordance with the provisions of the Constitution.

A person having the right to vote may cast a ballot for one candidate for senator in Changwat in which he or she has the right to vote.

Section 89

The provisions of Section 31, Section 32 and Section 34 except that concerning political parties shall be applied *mutatis mutandis* to the candidacy of senators.

A candidate at an election of senators shall pay the application fees of ten thousand Baht each. When the receipt thereof has been issued, the candidate shall not withdraw his or her candidacy and the application fees shall be devolved on the state.

Section 90

The provisions of part 2 regarding the constituencies, polling stations and polling places, part 3 regarding election officials, part 4 regarding electors and elector rolls, part 6 regarding the election expenditure and the method of election campaigns particularly Section 44, Section 45 and Section 47, part 7 regarding the polling, part 9 regarding the polling of an elector outside the constituency and part 10 regarding election fraud under chapter I the election of members of the House of Representatives on a constituency basis except the provisions concerning political parties shall be applied mutatis mutandis to an election of senators provided that they are not contrary to or inconsistent with the provisions regarding an election of senators under the Constitution or this chapter.

In appointing a committee of a polling station, the Election Commission shall appoint one elector in such constituency to be a chairman of the committee and six members thereof but the provisions of Section 15 concerning the right to nominate the representative of a political party shall not be applied and the committee shall be also regarded as the vote-counting committee.

The counting of votes shall be carried on at the polling place and the provisions of part 8 regarding the counting of votes and the announcement of the result of an election on a constituency basis except the provisions regarding political parties shall be applied to the counting of votes and the announcement of the result of an election of senators insofar as they are not contrary to or inconsistent with the provisions regarding an election of senators under the Constitution or this part.

For the purpose of the implementation of this Section, the Election Commission shall prescribe the rules of an election of senators in the Government Gazette.

All other provisions regarding an election of members of the House of Representatives shall be applied to an election of senators, insofar as they constitute an offense and criminal penalty to any act in an election of members of the House of Representatives, with the same penalties.

Section 91

Subject to Section 92, any candidate for senator or any other person shall not run an election campaign except an introduction of candidates. The introduction of candidates shall be made only by publishing introductory documents under the rules and methods prescribed by the Election Commission. In case the Election Commission deems it is necessary for the fairness to every candidate, it may determine the amount of the expenses of such publication.

The introduction under paragraph one means the publication of personal information including personal background, education, occupation and working experience.

Section 92

For the purpose of the fairness of the introduction of candidates, the Election Commission shall coordinate with the government agencies concerned to proceed as follows:

- (1) To provide for the posting up of any announcement and the fixing of a signboard of an election and a candidate at Changwat Office, Amphur Office or Local Administrative Organization Office or appropriate condensed populated area;
- (2) To publish and send documents with respect to an election and candidates to an elector;
- (3) To provide a place for the introduction of candidates;
- (4) To allocate time for radio and television broadcasting of the introduction of candidates;
- (5) To perform other activities determined by the Election Commission.

Section 93

In any Changwat where only one senator is to be elected, the candidate who receives the highest number of votes shall be elected. In any Changwat where more than one senators are to be elected, the candidate who receives the highest number of votes and the next

candidate who receives the lower number in respective order to meet the total number of the senators to be elected in such Changwat shall be elected.

In case where several candidates receive equal votes causing the excess in number of senators to be elected in such Changwat, the candidates who receive equal votes shall draw lots to decide which candidate shall be elected according to the rules prescribed by the Election Commission.

In case where a number of candidates in any Changwat is equal or less than a number of senators to be elected, the candidate who receive votes not less than five percent of the total number of electors who come to poll shall be elected. If none of candidate shall be elected or there are some but less than the number of senators to be elected in such Changwat, the Election Commission shall hold a new election in such Changwat to have senators in such number.

CHAPTER III **Election Petition**

Section 94

In case after the Election Commission has announced the result of the election in any constituency, an elector, a candidate, a political party which has a member standing as a candidate for an election in such constituency or which submit a party list deems that an election in such constituency or in any polling station in such constituency has not been lawful and fair, such persons shall have the right to petition the Election Commission within thirty days from the date of the announcement of election results except the petition under Section 41 or Section 43 for a new election shall be made within one hundred and eighty days from the date of the announcement of the result thereof.

Section 95

After having received the petition, the Election Commission shall conduct the hearing without delay and shall have the following power:

- (1) In case it is deemed that an election in any polling station or in any constituency has been unlawful and fraudulent and that a new counting of votes or a new election should be held, the Election Commission shall order for a new vote-counting or a new election in such polling station or such constituency. In the case of an election of senators, the Election Commission may order for only a new counting of votes or a new election of a senator against whom the petition is made;
- (2) In case it is deemed that an election has been unlawful and fraudulent but there is no reasonable ground to hold a new counting of votes or a new election in such polling station or such constituency or of such senator against whom the petition is made, the Election Commission shall dismiss the petition.

Section 96

In case where the Election Commission orders that a new election be held, the membership of the House of Representatives or the Senate of a person against whom the petition is made shall be terminated from the date the Election Commission issues the order provided that such order shall not affect activities performed by such person in the course of his or her duty before the President of the House of Representatives or the President of the Senate has been informed of such order.

In case where there is a new vote-counting and it causes the termination of membership of the House of Representatives or the Senate of a person against whom the petition was made, such termination shall be effective from the date the Election Commission announces the result of a new vote-counting provided that it shall not affect the activities performed by such person in the course of his or her duty before the announcement thereby.

Section 97

The hearing of petition shall be in accordance with the rules prescribed by the Election Commission.

CHAPTER IV

Penalty

Section 98

Any superior official or employer who obstructs or restrains or does not properly facilitate his or her officials or employees to exercise the right to vote shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

Section 99

Any head of household who violates Section 28 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

Section 100

Any person who knows that he or she has no right to be a candidate for a member the House of Representatives or a senator allow any political party to nominate him or her for election on a party list basis or applies for candidacy in violation to Section 30 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Section 101

Any person who violates Section 17, Section 44, Section 47 paragraph one, Section 58, Section 71 or Section 91 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Section 101/1

Any person who makes false allegations that a candidate or a person has violated this organic law shall be liable to imprisonment for a term exceeding two years or to a fine not exceeding forty thousand Baht and the court shall order the disfranchisement for a period of five years.

Any person who make false allegations under paragraph one which seek to result in the disfranchisement of the right to vote of a candidate or the withholding of the announcement of election results shall be liable to imprisonment for a term of five to ten years and to a fine of one hundred thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Any person who make false allegations under paragraph one to the Election Commission shall be liable to imprisonment for a term of seven to ten years and to a fine of fourteen hundred thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of twenty years.

In case false allegations under paragraph two and three have committed, facilitated or acknowledged by any leader of a political party, such political party shall be deemed as endangering national security and violating the Organic Law of Political Party.

Section 102

Any candidate or any leader of the political party who violates Section 41 paragraph three shall be liable to imprisonment for a term of one to five years and to a fine of twenty thousand to one hundred thousand Baht or the triple amount of the amount determined by the Election Commission whichever the heavier punishment, or to both and the court shall order the disfranchisement for a period of five years.

Section 103

Any treasurer who prepared the expenditure accounts in contrary to the rules and procedure prescribed by the Election Commission under Section 42 paragraph two shall be liable to imprisonment for a term not exceeding one year and to a fine not exceeding twenty thousand Baht and the court shall order the disfranchisement for a period of five years and such person shall be prohibited to be a treasurer for a period of five years.

Section 104

Any candidate or any leader of the political party who has not submitted the particulars of expenses to the Election Commission within the specified period or has submitted but the evidence under Section 43 was not completed shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both and the court shall order the disfranchisement for a period of five years. In case the particulars of expenses submitted under Section 43 was fault, the candidate or the leader of a political party shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht and the court shall order the disfranchisement for a period of five years.

Section 105

Any person who violates Section 45 paragraph one shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand Baht and the court shall order the disfranchisement for a period of five years.

Section 106

Any person who, not being of Thai nationality, violates Section 46 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht.

Section 107

Any person who violates Section 48 and Section 50 or violates orders of the Election Commission prescribed under the provisions of Section 85/4 paragraph one shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

Section 108

Any person who willfully causes damage or destroys the ballot paper or causes the ballot paper to be invalid or does whatever means to make an invalid ballot paper to be a good ballot paper shall be liable to imprisonment for a term not exceeding one year and to a fine not exceeding twenty thousand Baht and the court shall order the disfranchisement for a period of five years. If the wrongdoer under paragraph one is an election official, he or she shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Section 109

During the opening time to vote to the closing time thereof, in case any member of the committee of a polling station discloses the fact to anyone whether any elector has come to poll which is favorable or unfavorable to any candidate or political party shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

Section 110

Any person who violates Section 59 paragraph one or Section 66 or willfully obstructs the sending of ballot boxes or the substitute to the place for counting of votes or commits any act to cause the delay of the sending thereof, shall be liable to imprisonment of one to ten years and to a fine of twenty thousand to two hundred thousand Baht and the court shall order the disfranchisement for a period of ten years.

Section 111

Any person who violates Section 59 paragraph two, Section 60, Section 61, Section 62 or Section 63 shall be liable to imprisonment of one to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the court shall order the disfranchisement for a period of five years.

Section 111/1

Any person who violates Section 85/10 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

Any person provides information on the power of the Election Commission under Section 85/10 (2) without lawful authorization shall be liable to imprisonment of one to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the court shall order the disfranchisement for a period of five years.

Section 112

Any person who sales, distributes or provides alcohol beverage in a constituency during 6:00 pm of the day before the election day until the end of the election day shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

Section 113

Any person who bets or organizes the gamble for the result of an election shall be liable to imprisonment of one to five years or to a fine of twenty thousand to one hundred thousand Baht or to both and the court shall order the disfranchisement for a period of five years.

Section 113/1

Any person who has been sentenced by the court on violations of this organic law, on committing election fraud or on making false allegations to induce the Election Commission to revoke the election right of a candidate or to withhold the announcement of election results which lead to the holding of a new election, the court shall order such person to be liable to incurred expenditures in the holding of a new election. The Election Commission shall not be liable to pay any court fee in this connection.

In case more than one person is liable to incurred expenditures in the holding of a new election, such persons shall share liability.

In case any elected member of the House of Representatives on a constituency basis has become a Prime Minister or a minister, such person altogether with his or her political party shall be responsible for incurred expenditures in the holding of a new election to refill the vacancy in his or her constituency according to the rules and procedures prescribed by the Election Commission.

Expenses paid by any person under this Section shall be devolved on the state.

Section 114

In the case where there appears the offense under this organic law in any constituency, it shall be deemed that the candidate in such constituency is the damaged party under the criminal procedure code.

Section 115

Any person commits an offence under this organic law outside Thailand shall be punished in Thailand.

Countersigned by
Mr. Chuan leekpai
Prime Minister

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